IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22240 of 2004

Between:

Smt. N.V. Prema Leela, W/o. a. Ramesh Babu,
Palaparru Village, Padanandipadu Mandal, Guntur District.

... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Pedanandipadu Mandal,

Guntur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in rejecting the stay petition of the petitioner vide order dt. 24.11.2004 and in not disposing of the appeal pending before him in file No. 52/200-S7, which was filed against the order of suspension passed by the 2nd respondent in Rc.5507/2004-G, dt. 6.10.2004, is illegal, arbitrary, improper and against the principles of natural justice and pass.

Counsel for the Petitioner:MR.K.SRINIVAS

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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O R D E R:

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The petitioner was appointed as a Fair Price Shop dealer in the year 1994, for Palaparru village of Pedanandipadu Mandal, Guntur District. The second respondent suspended her authorization, through proceedings dated 6.10.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent, together with an application for grant of stay. The first respondent rejected the stay, through order dated 24.11.2004. Hence, this writ petition.

Learned counsel for the petitioner submits that the only principal allegation against the petitioner is that she is working as a nurse in a private hospital, and there is no bar under the relevant Control Orders for an individual to work as a nurse. He submits that the other allegations contained in the order of suspension are trivial in nature and not substantial in any manner.

Learned Government Pleader for Civil Supplies, on the other hand, submits that a dealer is not supposed to undertake other avocation, and placed reliance upon several Government Orders.

A reading of the order of suspension indicates that the suspension was ordered mainly on the ground that she is working as a nurse in a private hospital. Even if the same is taken as true, the authorization could not have been suspended, without citing the relevant provision and without seeking the explanation of the petitioner. The other grounds mentioned in the show-cause notice are not so serious or severe, as to warrant suspension. Except stating that the application for stay is rejected after perusing the record, the first respondent did not assign any reasons.

In that view of the matter, the writ petition is disposed of, directing that the petitioner shall be entitled to function as Fair Price Shop dealer, pending disposal of the appeal by the first respondent, and the order of suspension passed against her by

the second respondent shall stand stayed. There shall be no order as to costs.

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10th December, 2004

Note: Issue copy in two days.

(B/o)

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To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Guntur, Guntur District.
3 The Mandal Revenue Officer, Pedanandipadu Mandal,

Guntur District.

4 Two C.Cs to the Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad (OUT).

5 Two C.D. copies.